



ENVIRONMENTAL LAW & POLICY CENTER

ILLINOIS INDIANA MICHIGAN MINNESOTA OHIO WISCONSIN

RAS 8811

November 4, 2004

Chairman Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

DOCKETED ☐
USNRC ☐

November 5, 2004 (7:38am) ☐

OFFICE OF SECRETARY ☐
RULEMAKINGS AND ☐
ADJUDICATIONS STAFF ☐

Docket No. 52-007-ESP

Re: Request that Draft EIS for Clinton ESP not be released until at least 30 days following the restoration of ADAMS

Dear Commissioners:

The Environmental Law and Policy Center ("ELPC"), Blue Ridge Environmental Defense League ("BREDL"), Nuclear Information and Resource Services ("NIRS"), Nuclear Energy Information Service ("NEIS"), and Public Citizen write to request that you exercise your supervisory authority over the Staff of the U.S. Nuclear Regulatory Commission ("NRC") to order that the Draft Environmental Impact Statement ("DEIS") for the proposed Early Site Permit for the Clinton nuclear power plant not be released until at least 30 days after the ADAMS system is restored for public access. ELPC, BREDL, NIRS, NEIS, and Public Citizen are Intervenor in the ESP case for the Clinton site. The Atomic Safety and Licensing Board Panel has admitted the Intervenor's Clean Energy Alternatives contention.

As you know, the NRC has closed its ADAMS document system to the public for an indefinite period. As long as ADAMS is closed, it would be virtually impossible for anyone to obtain a copy of the Clinton Early Site Permit DEIS or to comment on such document. Moreover, supporting documents and other documents that may be relevant to the DEIS are not available.

The process of commenting on the DEIS is one of the principal ways that the undersigned organizations seek to ensure that the NRC Staff's ESP review for the Clinton site fully complies with all of the requirements of the National Environmental Policy Act ("NEPA") for protection of the environment. It is also important that individual constituents and other members of the public who seek to advocate environmental protection for the Clinton site through the commenting process receive a meaningful opportunity to do so. Releasing the DEIS with a limited public comment period before ADAMS is restored would foreclose such meaningful public participation.

35 EAST WACKER DRIVE, SUITE 1300 CHICAGO, ILLINOIS 60601-2110

PHONE (312) 673-6500 FAX (312) 795-3730

www.elpc.org elpc@elpc.org

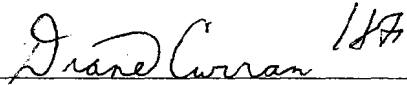
ELLIN C. CRAIG - CHAIRPERSON HOWARD A. LEARNER - EXECUTIVE DIRECTOR

Therefore, we request that you order that the release of the Clinton Early Site Permit DEIS not occur until at least 30 days after the publication of a notice in the Federal Register that the Clinton Early Site Permit DEIS and all other documents related to the Early Site Permit are again available for public access. A 30-day period will allow the undersigned organizations and other members of the public some time to review documents posted on ADAMS before formulating their comments. In the alternative, should the NRC Staff feel compelled to release the DEIS at a time when ADAMS has not been restored, we request that the public comment period be extended until 90 days after ADAMS is restored.

Finally, we should inform you that we have also filed today a motion with the Atomic Safety and Licensing Board Panel requesting the suspension of the ESP proceeding for Clinton until 30 days after ADAMS is restored.

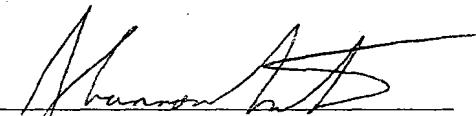
Thank you for your consideration of our request.

Sincerely,



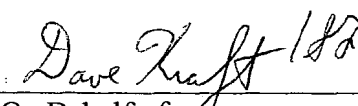
Attorney on Behalf of
Blue Ridge Environmental Defense League

Diane Curran
Harmon, Curran, Spielberg & Eisenberger LLP
1726 M Street NW, Suite 600
Washington D.C. 20036
dcurran@harmoncurran.com



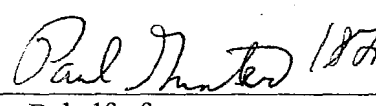
Attorneys on Behalf of
Environmental Law and Policy Center

Howard A. Learner
Shannon Fisk
35 East Wacker Drive, Suite 1300
Chicago, IL 60601
(312) 673-6500
hlearner@elpc.org and sfisk@elpc.org



On Behalf of
Nuclear Energy Information Service

Dave Kraft
P.O. Box 1637
Evanston, IL 60204-1637
(847) 869-7650



On Behalf of
Nuclear Information and Resource Services

Paul Gunter
1424 16th St. NW #404
Washington D.C. 20036
(202) 328-0002



On Behalf of Public Citizen

Michele Boyd

215 Pennsylvania Ave. SE
Washington D.C. 20003
(202) 454-5134
mboyd@citizen.org